

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BDG GOTHAM RESIDENTIAL, LLC, et al.,

Plaintiffs,

-against-

WESTERN WATERPROOFING COMPANY,
INC., et al.,

Defendants.

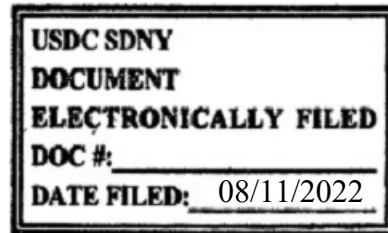
WESTERN WATERPROOFING COMPANY,
INC.,

Plaintiff,

-against-

ZURICH AMERICAN INSURANCE
COMPANY, et al.,

Defendants.



19-CV-6386 (CM) (BCM)

20-CV-3199 (CM) (BCM)

ORDER

BARBARA MOSES, United States Magistrate Judge.

For the reasons discussed during this afternoon's joint telephonic conference, the parties shall file a proposed joint pretrial schedule, no later than **August 25, 2022**, that provides for: (i) joint fact discovery in the above-titled actions, to be completed by **January 30, 2023**; (ii) separate expert discovery, which may, if appropriate, proceed on two separate schedules; and (iii) a narrow carve-out for fact and expert discovery (including initial disclosures pursuant to Rule 26(a)(1)) that relates *solely* to the cross-claims and/or counterclaims now pending in Case No. 20-CV-3199, which shall be stayed pending further court order or the First Department's adjudication of the Excess Insurers' appeal of Justice Engoron's May 10, 2022, decision in *Starr Indemnity & Liability Company, et al. v Zurich Am. Ins. Co.*, Index No. 656346/2020 (N.Y. Sup. Ct. N.Y. Cnty.).

If and to the extent the parties disagree about the form of the proposed joint pretrial schedule, they may submit alternative drafts under cover of a single status letter that succinctly states the reason(s) for the disagreement(s), without argument.

Dated: New York, New York
August 11, 2022

SO ORDERED.

A handwritten signature in blue ink, appearing to read "Barbara Moses".

BARBARA MOSES
United States Magistrate Judge